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09/578,664	05/25/2000	William Reeves		5874

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EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/578,664

Applicant(s)

REEVES, WILLIAM

Examiner

Luke Gilligan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Claims 1-12 have been examined.

Specification

1. The disclosure is objected to because of the following informalities:
2. The disclosure does not contain a brief description of the drawings as set forth in 37 CFR 1.74 (See MPEP § 608.01(f)).
3. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.
4. Appropriate correction is required.

Claim Objections

5. Claims numbered 1 and 1-3, under "Process For Storing and Retrieving Using Existing Stored Data" and "Process for Retrieving Stored Data" respectively, are objected to because of the following informalities: These Claims are improperly numbered and should be renumbered consecutively in sequence beginning with the number next following the highest numbered claim presented. Appropriate correction is required.
6. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

7. As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:
 - (a) TITLE OF THE INVENTION.
 - (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
 - (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.

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- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-4 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilhelm, U.S. Patent No. 5,319,543 in view of Campbell et al., U.S. Patent No. 6,208,974.

10. As per claim 1, Wilhelm teaches a process for storing medical records of a patient for retrieval comprising: a) providing an original document containing a medical record of a patient (see column 5, lines 16-19); b) converting said medical record to a digital record for storage in a data storage device (see column 5, lines 16-22); c) assigning a unique patient identifier to said digital record (see column 4, lines 17-24, this identifying data includes a patient identifier as indicated by listed search criteria at column 6, lines 7-10); e) assigning a priority code to said

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digital record (see column 2, lines 16-26, i.e. subsets of Wilhelm); f) storing said digital record, assigned unique patient identifier, and priority code in a data storage device (see column 3, lines 49-59); g) providing a request for a medical record unique patient identifier (see column 6, lines 7-10); and retrieving said digital record based on said priority code if the unique patient identifier provided in step (g) matches the unique identifier on said digital record (see column 6, lines 7-13). Wilhelm does not explicitly teach assigning, storing, and searching a physician electronic signature. Campbell teaches a medical record system that stores physician's signatures with all records in a hospital database (see column 16, lines 34-38). Furthermore, Wilhelm teaches that other search criteria than those listed may also be employed (see column 6, line 11). Therefore, it would have been obvious to one of ordinary skill in the art of electronic medical records at the time the invention was made to employ the electronic physician signature techniques of Campbell et al. within the system of Wilhelm. One of ordinary skill in the art would have been motivated to add this feature to the system of Wilhelm for the purpose of enhancing its security and accuracy by ensuring that the medical records are associated with the proper physician.

11. As per claim 2, Wilhelm in view of Campbell et al. teach the process of claim 1 as described above. Wilhelm further teaches said medical record contains a date of the record and said priority code is assigned according to the medical record date (see column 11, line 62 – column 12, line 4).

12. As per claim 3, Wilhelm in view of Campbell et al. teach the process of claim 1 as described above. Wilhelm further teaches said priority code is assigned according to severity of a condition in said medical record (see column 6, lines 60-65).

13. As per claim 4, Wilhelm in view of Campbell et al. teach the process of claim 1 as described above. Wilhelm does not explicitly teach said digital record being retrieved using intra

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or internet access. Campbell et al. teaches retrieving medical records using internet access (see column 5, lines 54-58). Further Wilhelm it is possible to embody the system in numerous hardware configurations (see column 4, lines 6-8). Therefore, it would have been obvious to one of ordinary skill in the art of electronic medical records at the time the invention was made to use the internet for retrieving medical records as taught by Campbell et al. One of ordinary skill in the art would have been motivated to use such an embodiment for the purpose of providing broader access to the system of Wilhelm.

14. As per claim 7, Wilhelm in view of Campbell et al. teach the process of claim 1 as described above. Wilhelm further teaches that steps (a) – (f) are repeated for a plurality of medical records for a patient, each of the medical records having the same unique patient identifier and a different priority code (see column 2, lines 16-26).

15. As per claim 8, Wilhelm in view of Campbell et al. teach the method of claim 7 as described above. Wilhelm further teaches the retrieving step includes displaying said digital records in order based on said priority code (see column 2, lines 38-49).

16. Claim 1 under "Process For Storing and Retrieving Using Existing Stored Data" contains similar limitations to claim 1 under "Process For Storing and Retrieving Using Original Data". Further, Wilhelm teaches storing medical records using existing data (see column 4, lines 42-48). Therefore, the claim is rejected for similar reasons to those given above with respect to claim 1 "Process For Storing and Retrieving Using Original Data".

17. Claims 1-3 under "Process For Retrieving Stored Data" contain similar limitations to Claims 1-3 under "Process For Storing and Retrieving Using Original Data". Therefore, the claims are rejected for similar reasons to those given above with respect to claims 1-3 under "Process For Storing and Retrieving Using Original Data".

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18. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilhelm, U.S. Patent No. 5,319,543 and Campbell et al., U.S. Patent No. 6,208,974 and further in view of Bardy, U.S. Patent No. 6,312,378.

19. As per claim 5, Wilhelm in view of Campbell et al. teach the process of claim 1 as described above. Wilhelm does not explicitly teach said digital record being retrieved using e-mail access. Bardy teaches retrieving a digital medical record using e-mail access (see column 11, lines 7-14). Further Wilhelm it is possible to embody the system in numerous hardware configurations (see column 4, lines 6-8). Therefore, it would have been obvious to one of ordinary skill in the art of electronic medical records at the time the invention was made to use e-mail for retrieving medical records as taught by Bardy. One of ordinary skill in the art would have been motivated to use such an embodiment for the purpose of providing broader access to the system of Wilhelm.

20. As per claim 6, Wilhelm in view of Campbell et al. teach the process of claim 1 as described above. Wilhelm does not explicitly teach said digital record being retrieved using telephone voice access. Bardy teaches retrieving a digital medical record using telephone access (see column 11, lines 7-14). Further Wilhelm it is possible to embody the system in numerous hardware configurations (see column 4, lines 6-8). Therefore, it would have been obvious to one of ordinary skill in the art of electronic medical records at the time the invention was made to use telephone voice access for retrieving medical records as taught by Bardy. One of ordinary skill in the art would have been motivated to use such an embodiment for the purpose of providing broader access to the system of Wilhelm.

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Conclusion


21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


- Frasca, Jr. teaches remote storing and accessing electronic patient records.
- Lavin et al. teach accessing and storing electronic patient records.
- Davis discloses systems for storing electronic medical records that include physician signatures.
- Borzo discloses systems for storing electronic medical records that include physician signatures.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke Gilligan whose telephone number is (703) 308-6104. The examiner can normally be reached on Monday-Friday 8am-5:30pm.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

24. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


CLG
June 16, 2002


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800